IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 32401 of 2007(G)

PETITIONER:

V.VINOD, VENYSADANAM, MELEVETTIPPURAM PO
PATHANAMTHITTA.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

2. P.K.SIVAKUMAR, PUTHEN VEEDU,
ELAKOLLOOR MURI, PRAMADOM VILLAGE.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.32401 of 2007

Dated this the 2nd day of November, 2007

JUDGMENT

Petitioner is the accused in a prosecution under Section 138 of the Negotiable Instruments Act. He was found guilty, convicted and sentenced. At the stage of revision, the parties reported composition and another Bench of this Court accepted the composition.

2. The consequence of composition as stipulated under Section 320(8) Cr.P.C. is one of deemed acquittal. The petitioner had, during the pendency of the proceedings before the courts, deposited an amount of Rs.25,000/- before the learned Magistrate. Unfortunately, when the revision was disposed of, no specific orders were sought or issued regarding the disposal of that amount. The petitioner now wants a direction that the said amount may be released to the petitioner. There is no other claimant. But the learned Magistrate, it is submitted, is not willing to entertain the application. No application has actually been filed and orders obtained. The petitioner has come to this Court after giving notice to the counsel for the respondent/complainant, who appeared in the revision. Both counsel submit that the amount in deposit may be released to the petitioner herein. No objections are raised. I am, in these

circumstances, satisfied that this Writ Petition can be allowed and a direction can be issued to the learned Magistrate to release the amount in deposit (earlier deposited by the petitioner) to the petitioner himself expeditiously.

This Writ Petition is, in these circumstances, allowed. There shall be a direction to the learned Magistrate that the amount in deposit (earlier deposited by the petitioner) shall be released to the petitioner expeditiously.

(R.BASANT, JUDGE)

rtr/-